

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 8504 of 1989****For Approval and Signature:****HONOURABLE MR.JUSTICE K.A.PUJ**

- =====
- 1 Whether Reporters of Local Papers may be allowed to see the judgment ?
 - 2 To be referred to the Reporter or not ?
 - 3 Whether their Lordships wish to see the fair copy of the judgment ?
 - Whether this case involves a substantial question of law as to the interpretation of the
 - 4 constitution of India, 1950 or any order made thereunder ?
 - 5 Whether it is to be circulated to the civil judge ?
- =====

=====

NAHRSINH JAYSINGBHAI RAJ - Petitioner(s)

Versus

STATE OF GUJARAT & 2 - Respondent(s)

=====

Appearance :

None for Petitioner(s) : 1,
MR LB DABHI, AGP for Respondent(s) : 1,
MR HARIN P RAVAL for Respondent(s) : 2 - 3.

=====

CORAM : HONOURABLE MR.JUSTICE K.A.PUJ**Date : 08/02/2006****ORAL JUDGMENT**

1. The petitioner has filed this petition under Article 226 of the Constitution of India praying for quashing and setting aside the

action of the respondents in filling up the posts of Gram Sevaks (Talim and Mulakhat) by other modes then operating the list. The petitioner has also prayed for the direction to the respondents to fill up the posts of Gram Sevaks from the list at Annexure-A of the petition.

2. This Court has passed an order on 14.12.1989 recording the submission of the learned advocate appearing for the petitioner that Special Civil Application in which similar question was involved was pending at the notice stage. In view of the said statement this petition was directed to be placed alongwith Special Civil Application No.7191/1989. The petition was thereafter admitted and rule was issued on 27.8.1991 and it was ordered to be heard alongwith Special Civil Application No.7191/1989.

3. The petition was originally filed by the learned advocate for the petitioner, who was later on elevated to the bench of this Court. Fresh notice was issued on the petitioner. Another learned advocate has filed his appearance on behalf of the petitioner, who was also later on elevated to the bench of this Court. Thereafter, Special Civil Application No.7191/1989 was disposed of by this Court on 7.5.2004. However, the present petition was not placed for hearing alongwith the said Special Civil Application No.7191/1989. The Court has taken a view that it is absolutely meaningless to issue any direction to the respondents to operate that select list and give appointments to the petitioners on the respective posts. The present petition is of 1989. More than 16 years have passed and hence it is absolutely meaningless to issue direction

to operate the select list which was prepared in the year 1985. Since the issue involved in the present petition is squarely covered by the decision rendered by this Court in Special Civil Application No.7191/1989 and other cognate matters on 7.5.2004, the present petition is dismissed. Rule is discharged without any order as to costs.

(K. A. PUJ, J.)

kks